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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service	)	MM Docket No. 94-131
	)	
and	)	
	)	
Implementation of Section 309(j) of the Communications Act - Competitive Bidding	)	PP Docket No. 93-~~523~~ 253

REQUEST FOR EXTENSION OF TIME

The Wireless Cable Association International, Inc. ("WCAI"),[1/] by its attorneys and pursuant to Section 1.46 of the Commission's Rules, hereby requests that the time afforded interested parties to submit comments in response to the *Notice of Proposed Rulemaking* ("*NPRM*") in these proceedings[2/] be extended from January 9, 1995 to January 23, 1995.[3/]

[1/]WCAI is the trade association of the wireless cable industry. Its members include the operators of virtually all wireless cable systems in the United States, as well as licensees in the Multipoint Distribution Service and the Instructional Television Fixed Service, equipment manufacturers and program suppliers.

[2/]*Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act - Competitive Bidding*, FCC 94-293, MM Docket No. 94-131 and PP Docket No. 93-523 (rel. Dec. 1, 1994)[hereinafter cited as "*NPRM*"].

[3/]WCAI also requests that the time afforded for the filing of reply comments be extended for a period of two weeks.

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The *NPRM*, which was released on December 1, 1994, raises a host of issues critical to the future of wireless cable. With the *NPRM*, the Commission has proposed a wide variety of rules designed both to govern the auctioning of Multipoint Distribution Service ("MDS") licenses in the future and to regulate the provision of MDS services thereafter. Because MDS spectrum is the underpinning of wireless cable, the rules adopted by the Commission in this proceeding will largely determine the role that wireless cable plays in local multichannel video distribution marketplaces across the nation.

In the *NPRM*, the Commission has evidenced a preference for "adopt[ing] a procedure under which applications for new MDS stations would be filed for predetermined, discrete areas, similar to Cellular Radio's Metropolitan Statistical Areas (MSA) and Rural Service Areas (RSA), or the television Areas of Dominant Influence (ADI)."[4/] The Commission has questioned whether, in implementing this procedure, it should make a radical change in the protected service area definition. Rather than afford MDS stations interference protection to an area within a given radius of the transmitter site, the Commission has solicited comment on "whether the MSA/RSA/ADI boundary should become the protected service areas of the wireless cable system."[5/] In addition, the Commission has asked:

> If this definition of protected service area were adopted, how would our current interference protection standards, defined by desired-to-undesired signal strength ratios, be applied? Would these standards permit service to the areas adjacent to the borders between geographic license areas. . . . We also request

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[4/] *See NPRM*, at ¶ 7.

[5/] *Id.*, at ¶8.

> comment on the impact of our protected service area decision on the ordering in which service areas should be auctioned.[6/]

The Commission's proposal to employ geographic-based protected service areas is an intriguing one to the wireless cable industry, yet one that is fraught with potential problems. The practice of making service areas coterminous with political boundaries works well for Personal Communications Services, cellular telephone, Interactive Video and Data Service and other services that utilize a cellular distribution methodology. Because these services generally operate at low power levels with transmitting antennas mounted relatively close to ground level, networks can be designed that provide service throughout the FCC-designated service area, without significant leakage into adjacent service areas. The same may in the future prove true for wireless cable upon the conversion to digital technology. However, at present it is not; a wireless cable operator transmits at relatively high power from a transmitting antenna mounted relatively high above average terrain to maximize the number of homes seen.

Thus, the use of geographic service areas for MDS raises novel issues, all of which stem from the fact that, using current analog technology, a wireless cable system cannot be designed to provide full coverage of an MSA/RSA/ADI without some leakage into adjacent service areas. It is quite common for existing systems to leak signal, and indeed, serve subscribers outside of the MSA in which the transmitter is licensed. Although the problems is less severe with respect to ADIs, which tend to be much larger that MSAs/RSAs, WCAI

[6/] *Id.*

is aware of numerous cases where an MDS transmitter located in one ADI leaks signal and serves subscribers in an adjoining ADI. While technical adjustments, such as reducing power levels or transmission antenna height, could be employed to prevent signal leakage into adjoining geographic service areas, those modifications could be at the cost of coverage in border areas. Thus, any rules adopted by the Commission to implement protected service areas will reflect a series of trade-offs between the licensing efficiencies of an MSA/RSA/ADI-based system and the fullest availability of wireless cable service.

WCAI has been working diligently to develop a proposal that accommodates the Commission's desire to license MDS stations utilizing MSAs/RSAs/ADIs without unduly restricting the availability of wireless cable service. To date, the wireless cable industry has been unable to achieve a consensus on the thorny issues raised by the *NPRM*. In large part, the difficulties in achieving any consensus have been due to holiday schedules. A regular quarterly meeting of WCAI's Board of Directors has long been scheduled for January 10 -- the day after comments are currently due to be filed. WCAI believes that at this meeting, which will be attended by representatives of virtually all major wireless cable system operators and equipment manufacturers, it will be possible to achieve some measure of agreement upon the issues raised by the *NPRM*. The brief extension of time requested by WCAI will permit the filing of comments after this meeting takes place, giving the Commission the benefit of the results.

WHEREFORE, for the foregoing reasons, WCAI urges the Commission to extend the time afforded interested parties to submit comments in response to the *NPRM* until January 23, 1995 and to extend the time afforded for filing reply comments until February 7, 1995.

Respectfully submitted,

THE WIRELESS CABLE ASSOCIATION INTERNATIONAL, INC.

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